

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
vs.)	Case Nos. 1:09-cv-8019-LSC-TMP
)	1:06-cr-198-LSC-TMP
GERALD THOMAS HAVING, JR.,)	
a/k/a "Thomas")	
)	
Defendant/Movant.)	

O R D E R

On October 9, 2009, the magistrate judge filed his report and recommendation in the above-styled cause, recommending that this motion to vacate or set aside sentence filed pursuant to 28 U.S.C. § 2255 be denied. Movant filed objections on October 22, 2009.

Having now carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the report is due to be and hereby is ADOPTED, and the recommendation is ACCEPTED. The movant's objections are OVERRULED. Consequently, the motion to vacate or set aside sentence filed pursuant to 28 U.S.C. § 2255 in the above-styled cause is due to be and the same is hereby DENIED.

Done this 9th day of November 2009.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
153671